

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

JAY BRADSHAW,

Plaintiff,

v.

9:19-CV-931  
(BKS/DJS)

W. BURNS, *et al.*,

Defendants.

**APPEARANCES:**

**OF COUNSEL:**

JAY BRADSHAW

08-A-3654

Plaintiff, *Pro Se*

Southport Correctional Facility

P.O. Box 2000

Pine City, New York 14871

HON. LETITIA JAMES

Attorney General of the State of New York

Attorney for Defendants

The Capitol

Albany, New York 12224

JOSHUA McMAHON, ESQ.

Assistant Attorney General

**DANIEL J. STEWART**

**United States Magistrate Judge**

**ORDER**

Presently pending is Plaintiff's Motion to Compel Discovery under FED. R. CIV.

P. 37. Dkt. No. 40. Plaintiff served interrogatories and a request for production of documents upon Defendants in March 2020. *Id.* at p. 2. About the time that responses

to those requests would have been due to Plaintiff under the Federal Rules of Civil Procedure, the District Court issued an Order accepting Plaintiff's Amended Complaint for filing. Dkt. No. 35. Among other things, the Amended Complaint added additional Defendants. *Id.* Judge Sannes then directed that only once service upon the newly added Defendants had been made should all Defendants respond to the Amended Complaint. *Id.* at pp. 27-28. Defendants therefore oppose the present Motion as premature in light of the fact that Defendants have not yet responded to the Amended Complaint. Dkt. No. 42.

Given the posture of this case where only some Defendants have appeared through counsel, and none has responded to the Amended Complaint, the Court agrees that it would be premature to direct Defendants to respond to the discovery requests at this time. However, Defendants are directed to respond to Plaintiff's March 2020 discovery demands within sixty (60) days of answering the Amended Complaint.<sup>1</sup>

The Court also directs that the deadlines set forth in the Uniform Pretrial Scheduling Order, Dkt. No. 28, are stayed and new deadlines will be set after Defendants' answer the Amended Complaint.

**ACCORDINGLY**, it is hereby

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<sup>1</sup> There are multiple Defendants in this action. It is not clear to which Defendant or Defendants Plaintiff is directing the interrogatories he submitted. Plaintiff should advise Defendants' counsel in writing which Defendants he wishes to respond to the interrogatories.

**ORDERED**, that Plaintiff's Motion to Compel is **GRANTED IN PART AND DENIED IN PART** as set forth above; and it is further

**ORDERED**, that the pretrial deadlines in this case are stayed pending a response to the Amended Complaint by Defendants.

**IT IS SO ORDERED.**

Date: July 20, 2020  
Albany, New York



Daniel J. Stewart  
U.S. Magistrate Judge